

# Notice of Allowability

Application No.

09/845,158

Examiner

Allyson N. Trail

Applicant(s)

IIZUKA ET AL.

Art Unit

2876

AM

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 10/14/2005.
2. ☒ The allowed claim(s) is/are 1-9, 18-26, 35-60, and 75-78.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Amendment***

1. Receipt is acknowledged of the Amendment filed October 15, 2005.

### ***Remarks***

2. The previous office action dated July 14, 2005 indicated claims 1, 5-9, 18, 22-26, 43, 44, 48, 56, 57, 60, and 75-78 to be in condition for allowance. The current amendment has amended claims 2, 3, 19, and 20 to now depend on previously indicated allowable claims. Additionally, claims 35 and 49 have been amended to include the limitation of the optical component being configured to receive *with unrestricted divergence* a light emitted from the light-emitting element, which is a limitation that was indicated to make the previously indicated allowable claims allowable. Therefore claims 1-9, 18-26, 35-60, and 75-78 are now in condition for allowance.

### ***Allowable Subject Matter***

3. Claims 1-9, 18-26, 35-60, and 75-78 are allowable over prior art.

The following is an examiner's for allowance: Prior art teaches a method and system of assembling an optical module including a light emitting element and at least one optical component, wherein the method and system comprise the steps of measuring a far-field pattern (FFP) of a light output from the one optical component, which is configured to receive the light emitted from the light-emitting element and position the optical component based on the FFP. The above identified prior art of record, taken alone, or in combination with any other prior art, fails to teach or fairly

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suggest the specific limitations of claims 1-9, 18-26, 35-60, and 75-78 of the present claimed invention. Initially, prior art fails to specifically teach the method of assembling an optical module, wherein the optical component is configured to receive with unrestricted divergence the light emitted from the light-emitting element. Furthermore, prior art fails to teach the step of detecting a near field pattern (NFP) of the light output from the optical component and positioning the optical component based on the NFP, wherein the step of positioning based on the NFP is performed before the step of positioning based on the FFP is not specifically taught by prior art. Moreover, one of ordinary skill in the art would not have been motivated to come to the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

*All Internet e-mail communications will be made of record in the application file.*

*PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Allyson N. Trail  
Patent Examiner  
Art Unit 2876  
November 14, 2005



KARL D. FRECH  
PRIMARY EXAMINER